

# EXHIBIT A

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In re Petition of: )  
 )  
Agape Church, Inc. ) CSR-5310-A  
 )  
For Modification of Station KVTJ (TV)'s ADI )

**MEMORANDUM OPINION AND ORDER**

**Adopted: January 25, 1999**

**Released: February 3, 1999**

By the Deputy Chief, Cable Services Bureau:

**INTRODUCTION**

1. Agape Church, Inc. ("Agape"), licensee of Station KVTJ (TV), Jonesboro, Arkansas, ("KVTJ" or "the Station"), Jonesboro, Arkansas has filed a petition to add certain communities located in Cross, St. Francis, Woodruff, Crittenden, Poinsett, and Mississippi Counties, Arkansas; Dunklin County, Missouri; and Shelby and Tipton Counties, Tennessee to KVTJ's area of dominant influence (or "ADI") insofar as mandatory carriage of the station is concerned.<sup>1</sup> Time Warner Entertainment Company, L.P., dba Time Warner Cable ("TWC") filed an opposition to this petition, and Agape has replied. The City of West Memphis, Arkansas ("City") filed comments in opposition to Agape's petition. Agape filed a "Motion for Leave to File Out of Time" and replied to the City's opposition.<sup>2</sup>

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<sup>1</sup>KVTJ lists the following 74 communities and cable systems: In Cross County, Arkansas - Cherry Valley, Hickory Ridge, and Cross County (Friendship Cable of Arkansas, Inc.); Parkin (Time Warner Cable); and Wynne (East Arkansas Video, Inc.). In St. Francis County, Arkansas: Forrest City (East Arkansas Video, Inc.), Hughes, Madison, Counton, and Widener (Friendship Cable of Arkansas, Inc.), Caldwell, Colt, and St. Francis County (Independence County Cable TV, Inc./Curtis Cable TV). In Woodruff County, Arkansas: McCrory (TCA Cable Partners). In Crittenden County, Arkansas: Crawfordville, Turrell, and Gilmore (Friendship Cable of Arkansas, Inc.), West Memphis (West Memphis Cablevision Corp. and West Memphis Utility), Gilmore (Arkavision), and West Memphis, Sunset, Crittenden, Crittenden County, Earle, and Marion (Time Warner Entertainment Co. LP). In Poinsett County, Arkansas: Lake Poinsett, Lepanto, Poinsett County, Weiner, Fisher, Harrisburg, Truman, Tyronza, Marked Tree (Friendship Cable of Arkansas, Inc.), and Waldenburg (Community Cable Corp.). In Mississippi County, Arkansas: Bassett (Arkavision), Basset, Keiser, Leachville, Luxora, Mississippi County, Dyess, Joiner, Manila, Osceola, and Wilson (Friendship Cable of Arkansas, Inc.), Mississippi County, Blytheville, and Dell (Blytheville Cable Co.), Gosnell (Triax Cablevision), and Eaker AFB (Base Cablevision Inc.). In Dunklin County, Missouri: Cardwell, Arbyrd, and Pemiscot County (Friendship Cable of Arkansas, Inc.), Hornersville (Base Cablevision), and Senath (Kennett Cablevision). In Shelby County, Tennessee: Barlett, Memphis, Shelby County, and Shelby (Time Warner Entertainment Co. LP), and Millington and Northaven (Millington CATV Inc.). In Tipton County, Tennessee: Atoka, Drummonds, Munford, and Tipton (Millington CATV Inc.), Burlison, Garland, and Gilt Edge (Enstar Cable TV), and Tipton (SE) (Time Warner Entertainment Co. LP).

<sup>2</sup>We will accept Agape's late-filed Reply to the City's late-filed Comments because it was not objected to, and responds to the City's opposition. East Arkansas Video Inc. and TCA Cable Partners filed a "Consolidated Consent Motion for Extension of Time" in which to file an opposition. That opposition was never received.

## BACKGROUND

2. Pursuant to § 614 of the Communications Act of 1934, as amended (the "Act"), and implementing rules adopted by the Commission in *In the Matter of Implementation of the Cable Television Consumer Protection and Competition Act of 1992* (Report and Order in MM Docket 92-259) ("Must-Carry Order"),<sup>3</sup> a commercial television broadcast station is entitled to assert mandatory carriage rights on cable systems located within the station's market. A station's market for this purpose is its "area of dominant influence," or ADI, as defined by the Arbitron audience research organization.<sup>4</sup> An ADI is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns. Essentially, each county in the United States is allocated to a market based on which home-market stations receive a preponderance of total viewing hours in the county. For purposes of this calculation, both over-the-air and cable television viewing are included.<sup>5</sup>

3. Under the Act, however, the Commission is also directed to consider changes in market areas. Section 614(h)(1)(C) provides that the Commission may:

with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purpose of this section.

In considering such request, the Act provides that:

the Commission shall afford particular attention to the value of localism by taking into account such factors as--

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<sup>3</sup>8 FCC Rcd 2965, 2976-2977 (1993).

<sup>4</sup>Section 4 of the Cable Television Consumer Protection and Competition Act of 1992 specifies that a commercial broadcasting station's market shall be determined in the manner provided in Section 73.3555(d)(3)(i) of the Commission's Rules, as in effect on May 1, 1991. This section of the rules, now redesignated Section 73.3555(e)(2)(i) [formerly § 73.3555(e)(3)(i)], refers to Arbitron's ADI for purposes of the broadcast multiple ownership rules. Section 76.55(e) of the Commission's Rules provides that the ADIs to be used for purposes of the initial implementation of the mandatory carriage rules are those published in Arbitron's 1991-1992 *Television Market Guide*. The Commission recently concluded that it was appropriate to switch market definitions from ADIs to Nielsen Media Research's designated market areas ("DMAs") for must-carry/retransmission consent elections. See *Definition of Markets for Purposes of the Cable Television Mandatory Television Broadcast Signal Carriage Rules*, Report and Order and Further Notice of Proposed Rule Making, CS Docket No. 95-178, 11 FCC Rcd 6201 (1996) ("Market Modification Report and Order"). In its *Market Modification Report and Order*, the Commission decided to use Arbitron's 1991-1992 *Television ADI Market Guide* market designations for the 1996 election and postpone the switch to Nielsen's DMAs until the must-carry/retransmission consent election that is to take place on October 1, 1999. The Commission also issued a *Further Notice* in its *Market Modification Report and Order* to solicit additional information and provide parties an opportunity to further consider issues relating to the transition to market designations based on Nielsen's DMAs.

<sup>5</sup>Certain counties are divided into more than one sampling unit because of the topography involved. Also, in certain circumstances, a station may have its home county assigned to an ADI even though it receives less than a preponderance of the audience in that country. Refer to Arbitron's *Description of Methodology* handbook for a more complete description of how counties are allocated.

(I) whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community;

(II) whether the television station provides coverage or other local service to such community;

(III) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and

(IV) evidence of viewing patterns in cable and non-cable households within the areas served by the cable system or systems in such community.<sup>6</sup>

4. The legislative history of this provision indicates that:

Where the presumption in favor of ADI carriage would result in cable subscribers losing access to local stations because they are outside the ADI in which a local cable system operates, the FCC may make an adjustment to include or exclude particular communities from a television station's market consistent with Congress' objective to ensure that television stations be carried in the areas which they serve and which form their economic market.

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[This subsection] establishes certain criteria which the Commission shall consider in acting on requests to modify the geographic area in which stations have signal carriage rights. The factors are intended to be exclusive, but may be used to demonstrate that a community is part of a particular station's market.<sup>7</sup>

5. The Commission provided guidance in its *Must Carry Order* to aid decision making in these matters, as follows:

For example, the historical carriage of the station could be illustrated by the submission of documents listing the cable system's channel line-up (e.g., rate cards) for a period of years. To show that the station provides coverage or other local service to the cable community (factor 2), parties may demonstrate that the station places at least a Grade B coverage contour over the cable community or is located close to the community in terms of mileage. Coverage of news or other programming of interest to the community could be demonstrated by program logs or other descriptions of local program offerings. The final factor concerns viewing patterns in the cable community in cable *and* non-cable homes. Audience data clearly provide appropriate evidence about this factor. In this regard, we note that surveys such as those used to demonstrate significantly viewed status could be useful. However, since this factor requires us to evaluate viewing on a community basis for cable and non-cable homes, and significantly viewed surveys

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<sup>6</sup>47 U.S.C. § 534(h)(1)(C)(ii).

<sup>7</sup>H.R. Rep. No. 102-628, 102d Cong., 2d Sess. 97 (1992).

typically measure viewing only in non-cable households, such surveys may need to be supplemented with additional data concerning viewing in cable homes.<sup>8</sup>

6. In adopting rules to implement this provision, the Commission indicated that requested changes should be considered on a community-by-community basis rather than on county-by-county basis, and that they should be treated as specific to particular stations, rather than applicable in common to all stations in the market.<sup>9</sup>

### MARKET FACTS AND THE PARTIES ARGUMENTS

7. Station KVTJ is licensed to Jonesboro, Arkansas, which is in Craighead County, Arkansas, and in the Jonesboro ADI. The communities at issue in this proceeding are located in Dunklin County, Missouri, which is in the Paducah-Cape Girardeau-Harrisburg-Marion ADI; Cross, St. Francis, Woodruff, Crittenden, Poinsett, and Mississippi Counties, Arkansas; and Tipton and Shelby Counties, Tennessee, are located in the Memphis ADI.<sup>10</sup> KVTH has been operating since June 26, 1998.<sup>11</sup>

8. In support of its petition, KVTJ argues that its current ADI does not accurately reflect the extent of its actual television market. KVTJ notes that, although its must-carry status is limited to the Arkansas counties north and west of its transmitter, its primary area of service also extends into the counties to the south and east of its transmitter site, including all the communities at issue.

9. KVTJ points out that its signal provides Grade B service to all the communities in question, and notes that it provides Grade A or, in some instances, City Grade service to many of those communities.<sup>12</sup> KVTJ states that the Commission has routinely found in market modification cases that stations with a Grade B or better over-the-air signal provide local service to communities.<sup>13</sup>

10. KVTJ contends that it is broadcasting programming of local interest or import to the cable viewers in the instant communities.<sup>14</sup> KVTJ argues that a weekly public affairs program called "Our

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<sup>8</sup>*Must-Carry Order*, 8 FCC Rcd at 2977 (emphasis in original).

<sup>9</sup>8 FCC Rcd at 2977 n.139. Absent evidence that such data is not fairly reflective of viewing in the actual communities in question, county data, rather than community-specific data may be accepted as probative in cases of this type. *See RKZ Television, Inc.*, 8 FCC Rcd 8008, 8010 (1993).

<sup>10</sup>Agape also lists Pemiscot County, Missouri and Lauderdale County, Tennessee in Footnote 2 of the Petition. However, no communities in those counties are identified on Exhibit A.

<sup>11</sup>Petition at 1.

<sup>12</sup>According to KVTJ, of the 74 communities it seeks to add, 31 are within its Grade B Contour, and the other 43 lie within its Grade A or City Grade contours. Petition at 4.

<sup>13</sup>Petition at 4, citing *DP Media License of Battle Creek, Inc.*, 13 FCC Rcd 7122 (1998) and *Red River*, 12 FCC Rcd at 6092.

<sup>14</sup>According to KVTJ, it provides a "unique blend of high-quality cross-denominational inspirational and religious Christian programming provided by Agape's own Victory Television Network." Petition at 1.

Town" and another program called "Arkansas Alive," which combines Christian teaching with live interviews, indicate the Station's commitment to providing programming responsive to local interest.

11. KVTJ maintains that another evidence of the Station's impact on the communities at issue is the interest that viewers have expressed in its bi-monthly magazine Victory Report. KVTJ submitted a list of names of viewers who purportedly have requested the magazine. Such requests, KVTJ asserts, show the extent of the Station's market and that its over-the-air signal reaches those individuals.

12. KVTJ acknowledges that it has no history of cable carriage in the instant communities, but points out that the "Commission routinely has discounted the absence of a history of carriage for new stations such as KVTJ(TV)."<sup>15</sup> Notwithstanding the lack of historical carriage, KVTJ points out that Triax Cablevision USA's Gosnell (Mississippi County, Arkansas) system, and Friendship Cable in Leachville and Manila (Mississippi County, Arkansas) systems, and Cardwell and Arbyrd (Dunklin County, Missouri) systems have voluntarily begun to carry KVTJ. KVTJ argues that this voluntary carriage is also an indication of the interest that viewers in the areas in question have in the Station and of KVTJ's links with those communities.<sup>16</sup> KVTJ maintains that the fact that KAIT(TV), another station licensed to Jonesboro, "has been carried continuously on many of the cable systems in the [communities at issue] for several decades"<sup>17</sup> supports granting the instant Petition.

13. KVTJ concedes that it has not established measurable viewing patterns within the communities in question, but points out that the Commission has determined that viewing patterns can take up to three years to be established.<sup>18</sup> KVTJ asserts that because of its youth, its lack of viewing patterns in the communities at issue should not carry much weight in deciding this Petition. KVTJ maintains that there are other factors the Commission can consider in determining whether the instant communities should be added to KVTJ's television market. KVTJ argues that its extensive signal coverage and the voluntary carriage of the Station's signal by certain cable systems in the areas in question, establishes that its market includes those communities.

14. In opposition, TWC argues that KVTJ does not qualify as a local station in the communities served by the TWC systems because the TWC communities are distant from Jonesboro,<sup>19</sup> TWC notes that those communities are separated from Jonesboro by the Mississippi River.<sup>20</sup> TWC asserts

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<sup>15</sup>Petition at 7, citing *DP Media License of Battle Creek, Inc.*

<sup>16</sup>Petition at 7.

<sup>17</sup>*Id.*

<sup>18</sup>In support, KVTJ cites *DeSoto Broadcasting, Inc.*, 10 FCC Rcd 4491 (1995).

<sup>19</sup>According to TWC, three of its systems serve 10 of the communities in question: Parkin, West Memphis, Sunset, Crittenden County, Earle, and Marion, Arkansas; Bartlett, Memphis, Shelby County, and Mason (Tipton County), Tennessee. TWC states that the communities it serves in Arkansas are located from 43 to 63 miles from KVTJ's city of license, and that the TWC Tennessee communities are between 65 and 70 miles away. Opposition at 1 and 2.

<sup>20</sup>Opposition at 2.

that not all of the communities in question are within KVTJ's Grade B contour, stating that Memphis, Barlett and Mason lie outside of the Station's Grade B contour.

15. TWC maintains that KVTJ has not shown that there is a strong interest in, or connection with the TWC communities. TWC claims that the interest of two cable operators and a handful of communities located near Jonesboro should not be interpreted as an indication of general interest throughout all of the communities in question. TWC points out that the cable systems that have voluntarily agreed to carry KVTJ are located within 15 to 20 miles from Jonesboro.<sup>21</sup> TWC contends that carriage of Station KAIT by certain communities does not establish a connection between the TWC communities and Jonesboro. TWC asserts that there is no history of KAIT carriage by the TWC systems and explains that only its Parkin, Arkansas system has ever carried KAIT.<sup>22</sup> TWC contends that KVTJ fails to demonstrate that KAIT and KVTJ are similarly situated or that there is a connection between Jonesboro and the TWC communities.

16. TWC maintains that "KVTJ currently airs no programming tailored specifically to the interests of residents in any of the TWC Communities."<sup>23</sup> Finally, TWC acknowledges that as a new station, KVTJ has not established viewing patterns to meet the statutory criteria. TWC maintains, however, that the evidence shows that the TWC communities are remote from Jonesboro. KVTJ's remoteness, according to TWC, is further demonstrated by the lack of presence of KVTJ in the local television guides.

17. TWC disagrees with KVTJ's "claim that the provision of Grade B or better coverage weighs heavily in favor of granting the Petition,"<sup>24</sup> and points out that the "Bureau has expressly rejected a pure Grade B market determination standard, but has decided each case on its own facts."<sup>25</sup> In support, TWC cites *Avenue TV Cable Service, Inc.*<sup>26</sup> and *Smith Television of New York, Inc.*,<sup>27</sup> where the Bureau held that "grade B contours ... are not to be used as an absolute measure of the scope of the station's market." TWC notes that even in areas where KVTJ provides a Grade B signal, the Station fails to show that it airs local programming "which has a distinct tie or is tailored to the residents of the TWC Communities."<sup>28</sup> In that regard, TWC maintains that KVTJ's purported local programming consists only

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<sup>21</sup>Opposition at 5.

<sup>22</sup>According to TWC, the Parking system serves Parkin, Earle and a portion of Crittenden County. *Id.*

<sup>23</sup>Opposition at 6.

<sup>24</sup>*Id.* at 8-9.

<sup>25</sup>*Id.* at 9.

<sup>26</sup>11 FCC Rcd 4803, 4823, n. 32 (1996).

<sup>27</sup>11 FCC Rcd 6024, 6032, n. 22 (1996).

<sup>28</sup>Opposition at 9.



of promises of future local programming and on the fact that the Station monitors the communities at issue for the Emergency Alert System.<sup>29</sup>

18. TWC argues that occasional viewer requests for KVTJ's magazine is insufficient to establish local ties or nexus to the TWC communities. TWC maintains that KVTJ "implicitly concedes that these requests do not accurately measure KVTJ's market when it notes that KVTJ even receives a number of requests from viewers that live in communities outside of KVTJ's Grade B contour."<sup>30</sup>

19. In reply, KVTJ argues that the TWC communities are within the Station's Grade B contour and some, such as Parkin, Earle, and most of Crittenden County are within KVTJ's City Grade contour, while Sunset, Marion and most of West Memphis are within the Station's Grade A contour. KVTJ maintains that TWC's arguments about the distance between KVTJ and the TWC communities are irrelevant because of the proximity of KVTJ's transmitter to those communities, which lie within KVTJ's Grade B contour.

20. KVTJ asserts that it has shown that it, as well as Jonesboro, have a strong connection with the TWC communities. KVTJ argues that the voluntary carriage of the Station by other cable operators<sup>31</sup> demonstrates that "local viewers and cable operators recognize a strong nexus" between KVTJ(TV) and the areas in question. It maintains that the carriage of other stations licensed to Jonesboro, the viewers request of its magazine, and it promises for future programming directed at the residents of the communities at issue also establish a connection with Jonesboro.

21. KVTJ contends that TWC's admission that its Parkin system carries station KAIT, is evidence that the TWC communities should be considered part of KVTJ's television market. It argues that "[t]he failure to include these communities would perpetuate a competitive imbalance intended to be leveled by enactment of the 1992 Cable Act."<sup>32</sup> KVTJ notes that the Memphis TV guide introduced by TWC lists two other Jonesboro stations as demonstrating an "ample nexus between Jonesboro and the TWC Communities."<sup>33</sup>

22. KVTJ asserts that it has fulfilled its commitment to produce local programming addressed to the viewers in the TWC communities. It points out that it has recently completed taping two episodes

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<sup>29</sup>*Id.* at 10. TWC cites a recent Bureau Order, *Budd Broadcasting Company, Inc.*, 13 FCC Rcd 15462 (1998), where the Bureau stated: "[a]lthough [petitioner] asks that we take into consideration its future programming plans and commitments, we cannot conclude that it is a 'local station,' based upon future intentions. The airing of some occasional programming potentially associated with some of the communities in question is not enough. For purposes of determining whether a station is local to a specific market at a given point in time, our focus is on the programming being aired. As we have previously concluded, we are unable to base our market modification decisions on programming that may or may not be aired at some future date."

<sup>30</sup>Opposition at 11.

<sup>31</sup>According to KVTJ, Friendship Cable of Arkansas, TCA Cable, and Webco Video have also verbally agreed to carry the Station on each of their systems. Reply at 5.

<sup>32</sup>Reply at 5.

<sup>33</sup>*Id.* at 6.



of "Our Town," that focused on issues of interest to the residents of West Memphis. KVTJ argues that because it already produces a measurable amount of programming directed to the TWC Communities, its situation is easily distinguishable from that in *Budd Broadcasting Company, Inc.*<sup>34</sup>

23. KVTJ argues that another example of the connection between TWC communities and Jonesboro is the reaction from viewers in those areas in response to a week-long telethon KVTJ conducted in October, 1998. According to KVTJ, it received "at least 26 pledges and requests from viewers in the TWC Communities for copies of 'The Victory Report'."<sup>35</sup> The response from these individuals, KVTJ asserts, is only an indication that the Station's "unique brand of religious programming is responsive to their issues of concern."<sup>36</sup>

24. In opposition, the City of West Memphis, Arkansas, ("City") asserts that KVTJ does not have local ties to the City because Jonesboro is distant from West Memphis. The City notes that KVTJ's programming consists of inspirational and religious Christian programs and that it has no programming directed to the residents of West Memphis. It also points out that the City's local newspapers do not list KVTJ in their television programming listing. The City is concerned because any changes in TWC's programming as a result of granting the instant petition may detrimentally affect the residents of West Memphis.

25. In reply, KVTJ contends that the City's distance argument should be rejected because the Station provides Grade A coverage to a substantial part of West Memphis and Grade B contour coverage to all of the City. KVTJ points out that West Memphis is only 40 miles from its transmitter site.

26. KVTJ, citing *Erie County Cablevision, Inc.*<sup>37</sup> and *Nationwide Communications, Inc.*,<sup>38</sup> maintains that its religious programming should not be an impediment in this proceeding. According to KVTJ, in those cases, "the Commission unequivocally has prohibited cable systems from discriminating against local television stations simply because they broadcast religious or other special interest programming."<sup>39</sup>

27. KVTJ reiterates that the reaction from viewers in the communities at issue is another example of the nexus between West Memphis and KVTJ. It asserts that viewers in West Memphis and other communities nearby have pledged monetary support to the Station and have requested copies of The

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<sup>34</sup>*Id.* at 7.

<sup>35</sup>*Id.*

<sup>36</sup>*Id.* at 8.

<sup>37</sup>13 FCC Rcd 6403 (1998).

<sup>38</sup>10 FCC Rcd 13040 (1995).

<sup>39</sup>Reply at 4.

Victory Report.<sup>40</sup> KVTJ contends that it has, and will continue to produce and broadcast programming directed at the residents of the various communities it seeks to add to its television market.

### ANALYSIS AND DECISION

28. Based on our analysis of the record relating to the four statutory and other relevant factors, we grant in part and deny in part Agape's petition for market modification. The evidence submitted persuades us that the communities KVTJ seeks to add are considered part of the Station's ADI, with the exception of those communities located outside KVTJ's Grade A contour in Crittenden, Shelby and Tipton Counties, which form the core or hub of the Memphis ADI.

29. With regard to the first statutory factor, we note that historical carriage is not by itself controlling in this particular circumstance. If it were, new stations, such as KVTJ, would, contrary to the policy of the statute, be prevented from ever being entitled to carriage.<sup>41</sup> Thus, because KVTJ is a new station, we find that historic carriage is of little assistance in determining the correct scope of KVTJ's market. For like reasons, the fourth statutory factor, ratings data, also does not sufficiently define KVTJ's market area because, as we have previously noted, viewing patterns can take up to three years to establish in the case of new stations.<sup>42</sup> Moreover, we recognize that "specialty stations" (home shopping, religious, or foreign language stations) are capable of "offer[ing] desirable diversity of programming ..." yet typically attract limited audiences.<sup>43</sup> The third statutory factor requires us to analyze whether other stations eligible to be carried serve the communities in question. In general, we believe that Congress did not intend this third criterion to operate as a bar to a station's ADI claim whenever other stations could also be shown to serve the communities at issue. Rather, we believe that this criterion was intended to enhance a station's claim where it could be shown that other stations do not serve the communities at issue.

30. Accordingly, we place greatest reliance, given the facts of this proceeding, upon the second statutory factor, whether the television station provides coverage or other local service to the community. We note that a station's local service to cable communities can be measured, among other ways, by the coverage of its contour as well as the proximity of the station to the subject communities. The Commission has also taken Grade B or stronger (Grade A or City Grade) service into consideration in determining whether a station serves a community.<sup>44</sup> This is particularly true in instances where market deletions are requested but is also of some relevance in addition cases like this where evidence regarding historic carriage and audience share provide little guidance in making a determination of a market's

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<sup>40</sup>*Id.* at 3.

<sup>41</sup>*See Time Warner Cable*, 11 FCC Rcd at 8054.

<sup>42</sup>This is the reason why Section 76.54 of the Commission's rules (47 C.F.R. § 76.54) allows viewership data from the first three years of a station's operation. *See DeSoto Broadcasting, Inc.*, 10 FCC Rcd at 4494.

<sup>43</sup>*First Report and Order in Docket 20553*, 58 FCC 2d 442, 452 (1976), *recon. denied*, 60 FCC 2d 661 (1976).

<sup>44</sup>*See Gulf & Pacific Communications L.P.*, 12 FCC Rcd 21986 (1997) and *Time Warner Entertainment-Advanced/Newhouse Partnership d/b/a Time Warner Cable*, 13 FCC Rcd 1874 (1998).

structure.<sup>45</sup> In these circumstances, Grade B coverage can play a role in guiding our determination.<sup>46</sup> In the instant case, however, we have a countervailing factor to consider. On its eastern border, KVTJ's Grade B contour encroaches into the core or hub of the Memphis ADI. In granting the Commission authority to modify market areas to better effectuate the purpose of Section 614, Congress manifested no intent for us to alter the basic structure of ADI markets. Just as the Station's Grade B contour weighs in our decision, the importance of maintaining the integrity of the basic structure of an ADI market is also a prime concern.<sup>47</sup> We believe that based upon the record in this proceeding, the goal of protecting the integrity of a market is best served by denying KVTJ must-carry status for those communities located in KVTJ's Grade B contour in the counties of Crittenden, Shelby, and Tipton, which form the core of the Memphis ADI. Absent more persuasive evidence, we believe that inclusion of the communities at issue would modify the basic nature and competitive relationships within the core area of the Memphis ADI and conflict with Congress' objective of carriage of television stations in the economic market areas they serve. Consequently, we will grant KVTJ's petition in part as indicated below.

### ORDERING CLAUSES

31. Accordingly, **IT IS ORDERED**, pursuant to § 614(h) of the Communications Act of 1934, as amended<sup>48</sup> and § 76.59 of the Commission's Rules<sup>49</sup> that the petition for special relief, CSR-5310-A, filed September 11, 1998, on behalf of Agape Church, Inc. **IS GRANTED** with respect to the communities of Cherry Valley, Hickory Ridge, Parkin, Wynne, and Cross County (the areas served by Friendship Cable of Arkansas, Inc.'s Cherry Valley System), located in Cross County, Arkansas; Caldwell, Forrest City, Hughes, Madison, Colt, Counton, St. Francis County (the areas served by Independence County Cable TV, Inc./Curtis Cable TV's Caldwell system), and Widener County (the areas served by Friendship Cable of Arkansas, Inc.'s Madison System), located in St. Francis County, Arkansas; McCrory located in Woodruff County, Arkansas; Crawfordsville, Crittenden, Turrell, West Memphis (the areas served by TWC), West Memphis (the areas served by West Memphis Cablevision Corp.) Sunset, Crittenden County (the areas served by TWC's Parkin system), Crittenden County (the areas served by TWC's West Memphis system), Earle, Gilmore, and Marion, located in Crittenden County, Arkansas; Lake Poinsett, Lepanto, Poinsett County (the areas served by Friendship Cable of Arkansas, Inc.'s Harrisburg System), Weiner, Fisher, Waldenburg, Harrisburg, Truman, Tyronza, and Marked Tree, in Poinsett County, Arkansas; Basset, Keiser, Leachville, Luxora, Mississippi County (the areas served by Blytheville Cable Co.'s Blytheville System, the areas served by Friendship Cable of Arkansas Inc.'s Manila and Osceola Systems), Blytheville, Dell, Dyess, Gosnell, Joiner, Manila, Osceola, Eaker AFB, and Wilson in Mississippi county, Arkansas; and Cardwell, Arbyrd, Hornersville, Pemiscot County the areas served by the Cardwell System) and Senath, located in Dunklin County, Missouri, and **IS DENIED** in all other

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<sup>45</sup>See *Petition of Channel 39, Inc.*, 13 FCC Rcd 3108 (1998), *Cablevision Systems Corporation, Framingham, Norwood, and Westwood, Massachusetts*, 12 FCC Rcd 2485 (1997), and *Horizon Broadcasting Corporation*, 12 FCC Rcd 11634 (1997).

<sup>46</sup>*Id.*

<sup>47</sup>See *Gulf & Pacific Communications L.P.*, 12 FCC Rcd at 21992 (1997).

<sup>48</sup>47 U.S.C. § 534.

<sup>49</sup>47 C.F.R. § 76-59.

respects. KVTJ shall notify the relevant cable systems in writing of its carriage and channel position elections (§§ 76.56, 76.57, and 76.64(f) of the Commission's Rules<sup>50</sup>), within thirty (30) days of the release date of this *Order*. The affected cable systems shall come into compliance with the applicable rules within sixty (60) days of such notification.

32. This action is taken pursuant to authority delegated by § 0.321 of the Commission's Rules.<sup>51</sup>

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson  
Deputy Chief, Cable Services Bureau

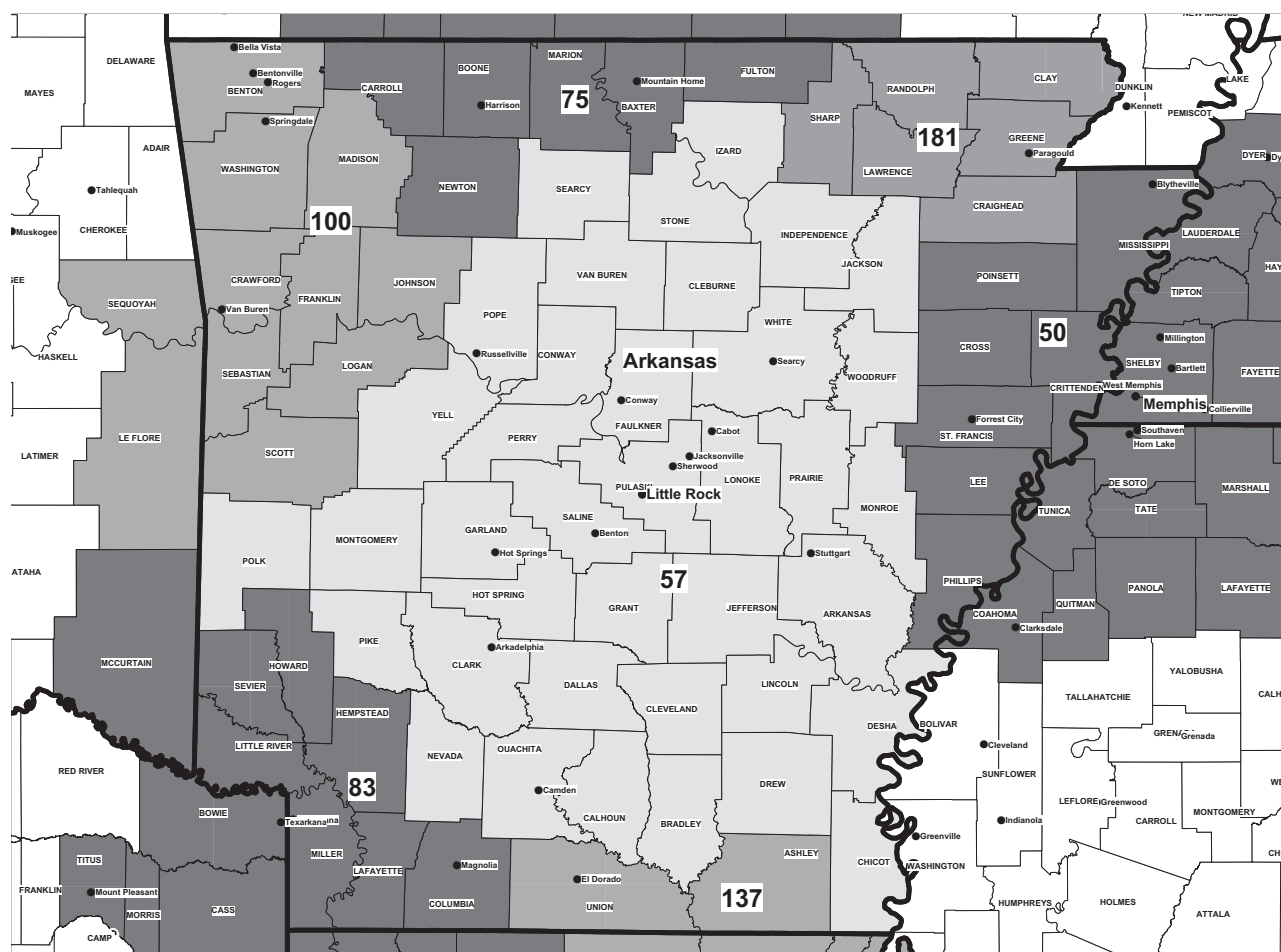
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<sup>50</sup>47 C.F.R. § 76.56, 47 C.F.R. § 76.57, and 47 C.F.R. § 76.64.

<sup>51</sup>47 C.F.R. § 0.321.



# **EXHIBIT B**



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| MARKET  | NIELSEN DMA<br>TV HOUSEHOLDS | RANK | MARKET AREA COMMERCIAL STATIONS   |
|---|------------------------------|------|---|
| Memphis, TN .....                                   | 636,140                      | 50   | WATN-TV (25); WBUY-TV (41); WHBQ-TV (13); WLMT (31); WMC-TV (5); WPXX-TV (51); WREG-TV (28)                         |
| Little Rock-Pine Bluff, AR .....                    | 547,650                      | 57   | KARK-TV (32); KARZ-TV (44); KASN (39); KATV (22); KLRT-TV (30); KMYA-DT (49); KTHV (12); KVTH-DT (26); KVTN-DT (24) |
| Springfield, MO .....                               | 404,370                      | 75   | KOLR (10); KOZL-TV (28); KRBK (49); KSPR (19); KWBM (31); KYTV (44)   |
| Shreveport, LA .....                                | 368,410                      | 83   | KMSS-TV (34); KPXJ (21); KSHV-TV (44); KSLA (17); KTAL-TV (15); KTBS-TV (28)  |
| Fort Smith-Fayetteville-Springdale-Rogers, AR ..... | 296,160                      | 100  | KFSM-TV (18); KFTA-TV (27); KHBS (21); KHOG-TV (15); KNWA-TV (50); KWOG (39); KXNW (34)                             |
| Monroe, LA-El Dorado, AR .....                      | 170,120                      | 137  | KARD (36); KEJB (43); KMCT-TV (38); KNQE-TV (8); KTVE (27)  |
| Jonesboro, AR .....                                 | 78,470                       | 181  | KAIT (8); KVTJ-DT (48)  |

## Arkansas Station Totals as of October 1, 2015

|                        | VHF | UHF | TOTAL |
|------------------------|-----|-----|-------|
| Commercial Television  | 2   | 19  | 21    |
| Educational Television | 5   | 2   | 7     |
|                        | 7   | 21  | 28    |

(Continued on next page)



Arkansas Commercial TV Station Index

KAIT (8) — Jonesboro, AR. . . . . A-111  
KARK-TV (32) — Little Rock, AR. . . . . A-113  
KARZ-TV (44) — Little Rock, AR. . . . . A-114  
KASN (39) — Pine Bluff, AR. . . . . A-118  
KATV (22) — Little Rock, AR. . . . . A-115  
KEJB (43) — El Dorado, AR. . . . . A-102

KFSM-TV (18) — Fort Smith, AR. . . . . A-106  
KFTA-TV (27) — Fort Smith, AR. . . . . A-107  
KHBS (21) — Fort Smith, AR. . . . . A-108  
KHOG-TV (15) — Fayetteville, AR. . . . . A-105  
KLRT-TV (30) — Little Rock, AR. . . . . A-116  
KMYA-DT (49) — Camden, AR. . . . . A-101  
KNWA-TV (50) — Rogers, AR. . . . . A-120  
KTHV (12) — Little Rock, AR. . . . . A-117

KTVE (27) — El Dorado, AR. . . . . A-103  
KVTH-DT (26) — Hot Springs, AR. . . . . A-110  
KVTJ-DT (48) — Jonesboro, AR. . . . . A-112  
KVTN-DT (24) — Pine Bluff, AR. . . . . A-119  
KWBW (31) — Harrison, AR. . . . . A-109  
KWOG (39) — Springdale, AR. . . . . A-121  
KXNW (34) — Eureka Springs, AR. . . . . A-104

# EXHIBIT C

<sup>Jonesboro</sup>  
**S & R COPY**

**GARDNER, CARTON & DOUGLAS**

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

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(202) 408-7100

FAX: (202) 289-1504

INTERNET: gcdlawdc@gcd.com

CHICAGO, ILLINOIS

September 11, 1998

*Via Courier*

Federal Communications Commission  
Cable Services Bureau  
P.O. Box 358205  
Pittsburgh, PA 15251-5205

**FCC/MELLON**

**SEP 11 1998**

Attention Stop Code 1200

**Re: KVTJ(TV), Jonesboro, Arkansas  
Petition For Special Relief**

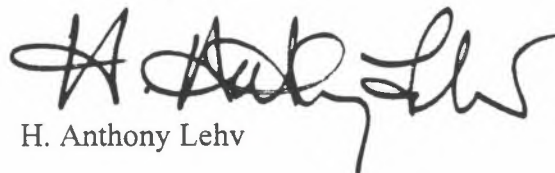
Dear Sir or Madam:

On behalf of Agape Church, Inc., licensee of television station KVTJ(TV), Jonesboro, Arkansas, we hereby submit, in triplicate, a Petition For Special Relief to modify the Jonesboro, Arkansas Area of Dominant Influence with respect to KVTJ(TV), to include various communities in Arkansas, Missouri and Tennessee.

A completed FCC Form 159 is enclosed, along with a check made payable to the FCC for \$960 to cover the filing fee.

Please direct any questions concerning this Petition to the undersigned counsel.

Respectfully submitted,



H. Anthony Lehv

Enclosures

cc: Mr. Jim Grant (for public inspection file)

# AGAPE CHURCH, INC.

VENDOR NO: FED15V

NAME: FEDERAL COMMUNICATIONS COMM.

CHECK DATE: Sep 4 98

010159

| REFERENCE | INVOICE DATE                  | GROSS AMOUNT | DISCOUNT TAKEN | NET AMOUNT PAID |
|-----------|-------------------------------|--------------|----------------|-----------------|
| 1085-3    | MODIFY/EXPAND KVTJ MUST CARRY |              |                | 960.00          |
| TOTAL >   |                               | 960.00       | 0.00           | 960.00          |

AGAPE CHURCH, INC. DBA  
VICTORY TELEVISION NETWORK  
P.O. BOX 22007  
LITTLE ROCK, AR 72221-2007

THIS CHECK IS VOID WITHOUT A BLUE & RED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW



AGAPE CHURCH, INC.  
P.O. BOX 22007  
LITTLE ROCK, AR 72221  
(501) 225-0612

FIRST COMMERCIAL BANK  
LITTLE ROCK, ARKANSAS 72203  
81-10/820

010159

|        |          |
|--------|----------|
| DATE   | Sep 4 98 |
| AMOUNT | \$960.00 |

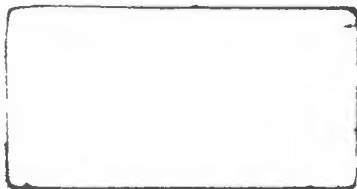
PAY \*\*\*\*\* Nine Hundred Sixty and 00/100 \*\*\*\*\*

TO THE FEDERAL COMMUNICATIONS COMM.  
ORDER MASS MEDIA SERVICES  
OF P O BOX 358180  
PITTSBURGH PA 15251-5180

*Jeanne F. Caldwell*

BORDER CONTAINS MICROPRINTING

⑈010159⑈ ⑆082000109⑆ 0⑈28027⑈5⑈



READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

REMITTANCE ADVICE

(1) LOCKBOX # 358205

PAGE NO 1 OF 1

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Agape Church, Inc.

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 960.00

(4) STREET ADDRESS LINE NO 1

P.O. Box 22007

(5) STREET ADDRESS LINE NO 2

(6) CITY

Little Rock

(7) STATE

Arkansas

(8) ZIP CODE

72221

(9) DAYTIME TELEPHONE NUMBER (Include area code)

(501) 225-0612

(10) COUNTRY CODE (if not in U.S.A.)

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

(12) STREET ADDRESS LINE NO 1

(13) STREET ADDRESS LINE NO 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

KVTJ(TV)

(20A) PAYMENT TYPE CODE (PTC)

T Q C

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 960.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

\$

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

\$

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

\$

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0 9 3 0 6 5 7 5 3 5

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, \_\_\_\_\_, Certify under penalty of perjury that the foregoing and supporting information

(PRINT NAME)

are true and correct to the best of my knowledge, information and belief. SIGNATURE \_\_\_\_\_

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MASTERCARD

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD  
for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|                                  |   |          |
|----------------------------------|---|----------|
| In re Petition of                | ) |          |
|                                  | ) |          |
| Agape Church, Inc., Permittee of | ) |          |
| KVTJ(TV), Jonesboro, Arkansas    | ) |          |
|                                  | ) | CSR_____ |
| For Modification of the          | ) |          |
| Jonesboro, Arkansas ADI to       | ) |          |
| Include Various Communities in   | ) |          |
| Arkansas, Tennessee and Missouri | ) |          |
| To: Chief, Cable Services Bureau |   |          |

**PETITION FOR SPECIAL RELIEF**

Pursuant to Sections 76.7(a)(1) and 76.59(a) of the Commission's rules, Agape Church, Inc. ("*Agape*"), permittee of Television Station KVTJ(TV), Jonesboro, Arkansas, hereby requests that the Commission modify the Jonesboro, Arkansas Area of Dominant Influence ("*ADI*") with respect to KVTJ(TV), to include the various communities in Arkansas, Missouri and Tennessee listed on Exhibit 1 (the "*Named Communities*"). KVTJ(TV) provides Grade B or better service to each of the Named Communities.

**INTRODUCTION**

KVTJ(TV) is an independent full-service commercial broadcast television station that has been on the air since June 26, 1998. The station is owned by the non-profit Agape Church, Inc., and is committed to airing its unique blend of high-quality cross-denominational inspirational and religious Christian programming provided by Agape's own Victory Television Network.<sup>1/</sup>

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<sup>1/</sup> Agape also is the licensee of KVTH(TV), Hot Springs, Arkansas, and KVTN(TV) Little Rock, Arkansas. Each of these stations broadcasts Victory Television Network programming.

KVTJ(TV) has been assigned to the Jonesboro ADI and is entitled to mandatory carriage on all cable systems in the Arkansas counties of Clay, Craighead, Greene, Jackson, Lawrence, Randolph and Sharp. All of these counties lie to the north and west of KVTJ(TV)'s transmitter, with the result that KVTJ(TV) is not entitled to mandatory cable carriage in numerous counties to the south and east of its transmitter that are well-within its primary service area, including Poinsett County, the location of KVTJ(TV)'s transmitter. Thus, while KVTJ(TV)'s actual market extends far beyond the counties in the Jonesboro ADI into the counties in which the Named Communities are located, it currently has no right to cable carriage in those communities.<sup>2/</sup> Accordingly, Agape is filing this Petition to add the Named Communities to KVTJ(TV)'s ADI to more accurately reflect the geographic boundaries of its genuine television market.

### **DISCUSSION**

A station's mandatory carriage rights are defined by its television market, which in turn, is defined by the boundaries of its ADI. 47 C.F.R. §76.55(e). Recognizing that there are circumstances such as this one, where a station's ADI does not accurately reflect the entire extent of its actual television market, Congress established a mechanism to permit a station to modify its ADI in order to "better effectuate" the preservation and promotion of localism in broadcasting. 47 U.S.C. § 534(h)(C)(i) (1998).

---

<sup>2/</sup> The Named Communities located in (1) Poinsett, Crittenden, Cross, St. Francis, Woodruff and Mississippi counties Arkansas, (2) Pemiscot county Missouri and (3) Tipton, Shelby and Lauderdale counties, Tennessee, are part of the Memphis, Tennessee ADI. Dunklin county Missouri is located in the Paducah, Kentucky-Cape Girardeau, Missouri-Harrisburg, Illinois-Marion Illinois ADI. *Arbitron ADI Market Atlas 1991-1992*.



In considering requests to modify a station's ADI, the Communications Act of 1934 directs the Commission to "afford particular attention to the values of localism" by considering:

(i) whether the station, or other stations located in the same area have been historically carried on the cable system or systems within such community; (ii) whether the television station provides coverage or other local service to such community; (iii) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section [614 of the Cable Act] provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and (iv) evidence of viewing patterns in cable and non-cable households within the areas served by the cable system or systems in that community.

47 U.S.C. § 534(h)(1)(C)(ii). Based on these statutory criteria, KVTJ(TV) qualifies as a local station in the Named Communities and they should be added to KVTJ(TV)'s television market. Granting this request, with the resulting mandatory carriage rights, would promote competition and encourage development of Agape's unique brand of local programming.

#### **I. KVTJ(TV) Provides Over-The-Air Service To Each Named Community.**

In order to establish that it provides coverage or other local service to a particular Named Community, Agape may demonstrate that its places at least a Grade B coverage contour over that community. *Implementation of the Cable Television Consumer Protection And Competition Act of 1992*, Report and Order, 8 FCC Rcd 2965, 2976-2977 (1993) ("*Cable Report and Order*"). Under this standard KVTJ(TV) can make a compelling showing of its coverage of the Named Communities because all of them are within the station's Grade B contour and many are within KVTJ(TV)'s Grade A or City Grade contours.

The Commission repeatedly has stressed the importance of a station's Grade B coverage of a community in demonstrating local service. *See, e.g., Time Warner Cable*, 11 FCC Rcd

8047, 8054 (1996). The Commission's emphasis on the existence Grade B service reflects the fact that a station's Grade B contour is an effective measure of its natural economic market. *Cable Report and Order*, 8 FCC Rcd at 2977; *Red River Broadcasting Corp.*, 12 FCC Rcd 6090, 6092 (1997). Indeed, the Commission has observed that "television stations actually do or logically can rely on the area within these Grade B contours for economic support." *Report and Order in MM Docket No. 84-111*, 102 FCC2d 1062, 1070 (1985).

The Commission has routinely concluded that provision of an over-the-air Grade B or better signal to a particular community is strong evidence that the community is part of the station's market. *DP Media License of Battle Creek, Inc.*, 1998 FCC LEXIS 1584 (rel. Apr. 6, 1998); *Red River*, 12 FCC Rcd at 6092. In this case, all of the Named Communities that KVTJ(TV) seeks to add to its television market are within its Grade B service contour. In fact, most of the Named Communities are within KVTJ(TV)'s City Grade or Grade A contour. See Exhibit 2, KVTJ(TV) Coverage Map. This is clearly a situation, as in *DeSoto Broadcasting, Inc.*, 10 FCC Rcd 4491 (1995) ("*DeSoto*"), where although a station is part of a different ADI than the Named Communities, it "is so close to the communities in the neighboring ADIs that its City Grade service contour extends far into those other markets." *Id.* Of the 74 communities that KVTJ(TV) seeks to add, 31 are within only its Grade B contour, and 43 lie within its Grade A or City Grade contours. The Commission has held that provision of this type of Grade A or City Grade signal to a community is "compelling evidence that [the station] provides service" to the communities within those contours. *Id.* KVTJ(TV)'s provision of Grade B or better coverage confirms KVTJ(TV)'s local service to the Named Communities and weighs heavily in favor of granting Agape's Petition.

## **II. KVTJ(TV) Airs Programming Responsive To The Issues Of Local Concern To The Named Communities.**

In addition to providing Grade B or better service to the Named Communities, KVTJ(TV) can verify its service to the Named Communities by establishing that it airs local programming “which has a distinct nexus to the cable communities.” *Rifkin/Narragansett South Florida CATV, LP*, 11 FCC Rcd 21090, 21103-21104 (1996). Although KVTJ(TV) has been on the air only for three months, it has committed itself to providing programming responsive and targeted to the local issues of concern to the viewers in the Named Communities.

KVTJ(TV) has begun producing and broadcasting a weekly public affairs program called “Our Town,” which airs each Sunday morning and Thursday afternoon. Each week Our Town, which is moderated by a local NBC-affiliate anchorman, explores, in depth, one topic of interest to the communities reached by KVTJ(TV)’s signal. The first three episodes (the only to air so far) have focused on Jonesboro, and have discussed the local Foundation For the Arts and the actions of the Jonesboro Chamber of Commerce. However, KVTJ(TV) is now producing segments directed to other communities and has planned so that each week the show will focus on a new community, including those in the Named Communities.

The station’s flagship program, “Arkansas Alive,” which combines Christian teaching with live interviews and news, also is expanding to include topics of interest to the Named Communities. As another public interest benefit, KVTJ(TV) monitors all of the Named Communities for Emergency Alert System warnings and is responsible for notifying residents of the Named Communities of emergency conditions such as earthquakes and tornadoes. KVTJ(TV)’s role in monitoring and reporting emergency conditions in the Named Communities is a critical public service that strengthens the nexus between the station and these communities.

Perhaps the strongest evidence of KVTJ(TV)'s impact in the Named Communities relates to its monthly viewer magazine, "Victory Report." Victory Report is mailed bi-monthly to interested viewers, giving them a schedule of the station's programming, background detail on programs, and information on how to reach the station. Despite having been on the air only for three months, and despite having only limited cable carriage, KVTJ(TV) has received requests for copies of Victory Report from many viewers in each county in which a Named Community is located. Exhibit 3 is a copy of KVTJ(TV)'s list of addresses of viewers who have contacted the station to receive Victory Report (to ensure privacy, street addresses have been deleted).<sup>2/</sup>

The presence and response of viewers in the Named Communities substantiates not only that KVTJ(TV)'s over-the-air signal reaches these individuals, but that KVTJ(TV) is offering programming of significant interest that those individuals might not otherwise receive. Expanding KVTJ(TV)'s television market will foster these programming and non-broadcast efforts by guaranteeing that cable viewers in the Named Communities will have access to the material and will encourage KVTJ(TV)'s provision of more locally-oriented programming.

### **III. KVTJ(TV) has Initiated A Growing Pattern Of Voluntary Cable Carriage In The Named Communities.**

In evaluating ADI modification requests, the Commission traditionally examines the station's history of cable carriage in the communities being added. Realizing, however, that the history of carriage for a new station provides little guidance as to the scope of its actual market, the Commission routinely has discounted the absence of a history of carriage for new stations

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<sup>2/</sup> In fact, KVTJ(TV) has received a large number of requests for Victory Report from viewers that reside in communities outside of the station's Grade B contour, demonstrating further that KVTJ(TV)'s actual market definitively reaches all of the Named Communities.

such as KVTJ(TV). *DP Media License of Battle Creek, Inc.*, 1998 FCC LEXIS at 1586. The Commission has further acknowledged that penalizing a new station for its lack of historical carriage would prevent new stations from ever being carried. Thus, the lack of historical carriage should not be controlling or determinative. *Paragon Cable*, 10 FCC Rcd 9462 (1995).

Nevertheless, in its brief, three-month on-air period, KVTJ(TV), already has established a healthy pattern of voluntary carriage. Triax Cablevision USA will be adding KVTJ(TV) to its Gosnell, Arkansas cable system (Mississippi County) in mid-September. Similarly, Friendship Cable has added KVTJ(TV) to its systems in Leachville and Manila, Arkansas (Mississippi County), and will be adding KVTJ(TV) to its systems in Cardwell and Arbyrd, Missouri (Dunklin County) in late-September. This voluntary carriage is additional evidence that KVTJ(TV)'s programming not only effectively reaches the Named Communities, but that its programming is of particular interest to those viewers. The Commission consistently has affirmed that a pattern of cable carriage in the absence of "must carry" obligations is a strong indication of interest in a station and of the station's connection to the communities in question. *Paragon Cable*, 10 FCC Rcd at 9464. KVTJ(TV)'s current and pending voluntary carriage attests to the recognition by cable operators and viewers alike that the named Communities are located within KVTJ(TV)'s market and provides further evidence as to the scope of KVTJ(TV)'s real market. *See Comcast of Central New Jersey*, DA 97-1191 at ¶ 16 (rel. June 5, 1997).

Another factor favoring inclusion of the Named Communities in KVTJ(TV)'s market is that KAIT(TV), the only other full-service commercial station licensed to Jonesboro, has been carried continuously on many of the cable systems in the Named Communities for several decades. The carriage of KAIT(TV) provides a further nexus between Jonesboro and the Named

Communities and supports granting the Petition. *Paxson Phoenix License, Inc.*, 1998 FCC LEXIS 1944, 1946 (rel. Apr. 23, 1998).

Conversely, the failure to grant KVTJ(TV) -- a new independent station -- the same carriage rights that KAIT(TV) -- a major network affiliate -- possesses, effectively would prohibit KVTJ(TV) from competing with KAIT(TV) for viewers in areas that receive both stations' Grade B or better over-the-air signals. Leveling this possible competitive imbalance was one of the fundamental goals of the 1992 Cable Act. See *Horizon Broadcasting Corporation*, 12 FCC Rcd 11634, 11635 (1997). Indeed, in modifying the market of an independent station that had only one other station -- a network affiliate -- licensed to its ADI, the Commission, in *DeSoto*, stressed that this type of potential competitive carriage imbalance "is precisely the situation the 1992 Cable Act was designed to remedy." 10 FCC Rcd at 4493.<sup>4/</sup>

#### **IV. Viewing Patterns In The Named Communities Are Not Relevant To KVTJ(TV)'s Petition.**

The FCC often has noted that it can take a broadcast station up to three years to establish measurable viewing patterns within a community. *DeSoto*, 10 FCC Rcd at 4493.<sup>5/</sup> Accordingly, in deciding market modification petitions for new stations such as KVTJ(TV), the Commission has held that "it is appropriate to rely on other evidence of the station's local market to determine whether a particular community [or communities] should be added to its market. *Id.* Here,

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<sup>4/</sup> The Commission has rejected the argument that carriage obligations should be different for affiliates than for independent stations such as KVTJ(TV), observing that religious stations such as KVTJ(TV), "are capable of offer[ing] desirable diversity of programming . . ." yet may attract limited audiences. *Time Warner Cable, Albany, New York*, 10 FCC Rcd 936, 938 (1995), quoting, *First Report and Order in Docket 20553*, 58 FCC2d 442, 452 (1976), *recon. denied*, 60 FCC2d 661 (1976).

<sup>5/</sup> This is precisely why the FCC allows stations to provide viewership data from their first three years of operations in making showings of significantly-viewed status. 47 C.F.R. § 76.54.

KVTJ(TV)'s extensive signal coverage, burgeoning voluntary carriage and commitment to local programming are compelling "other evidence" that its market includes the Named Communities.

Furthermore, the fact that other stations entitled to mandatory carriage in the Memphis ADI also may provide local programming to the Named Communities "does not act as a bar to a station's ADI claim." *See Smith Television of New York, Inc.*, 11 FCC Rcd 6025, 6032 (1996).

Rather, this factor is intended to enhance a station's claim where it can be shown that other stations do not serve the communities at issue. When other stations offer programming to the communities, the enhancement is not applicable; however, the other stations' programming does not preclude grant of Agape's Petition. *WTVT License, Inc.*, 11 FCC Rcd 18020, 18025 (1996).

### **CONCLUSION**

An analysis of the four congressionally-prescribed market modification criteria demonstrates unequivocally that KVTJ(TV)'s market should be modified to encompass the Named Communities. Despite being a new station, KVTJ(TV) has succeeded in obtaining voluntary cable carriage on systems in the Named Communities. KVTJ(TV) provides at least Grade B coverage -- and in many cases City Grade or Grade A coverage -- to the Named Communities and provides programming and other services that serve the needs of the residents of the Named Communities. The addition of the Named Communities to KVTJ(TV)'s television market would be consistent with Congress' objective of requiring cable systems to carry the signals of local commercial television stations in order to further the local service goals of

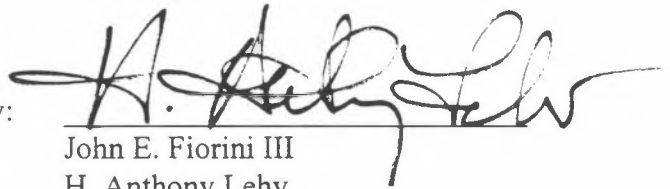


Section 307(b) of the Communications Act, would promote competition, and would facilitate the development and dissemination of KVTJ(TV)'s unique brand of local programming.<sup>6/</sup>

Respectfully Submitted,

AGAPE CHURCH, INC.

By:



John E. Fiorini III  
H. Anthony Lehv

Gardner, Carton & Douglas  
1301 K Street, N.W.  
Suite 900, East Tower  
Washington D.C. 20005  
(202) 408-7221

Its Attorneys

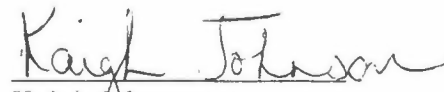
Dated: September 11, 1998

---

<sup>6/</sup> Exhibit 4 to this Petition is a declaration of James Grant, the General Manager of KVTJ(TV).

CERTIFICATE OF SERVICE

I, Kaigh Johnson, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 11th day of September, 1998, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing Petition For Special Relief to the following individuals and entities listed on the attached pages:

  
Kaigh Johnson

| <b>Franchise Authorities</b>  | <b>Local Stations</b>  | <b>Cable Systems</b>  |
|---|--|---|
| The Honorable<br>Mike Woods, Mayor<br>City of Cherry Valley<br>PO Box 130<br>Cherry Valley, AR 72324                | <b>KAIT-TV</b><br>PO Box 790<br>Jonesboro, AR 72404  | Friendship Cable of Arkansas Inc.<br>13850 South Puluxy<br>Tyler, TX 75703<br>Attn: Kaye Monigold               |
| Office of the Mayor<br>City of Hickory Ridge<br>135 S. Front Street<br>Hickory Ridge, AR 72347                      | <b>KTEJ-TV</b><br>350 S. Donaghey Street, Conway, AR 72032<br>350 S. Donaghey Street, Conway, AR 72032 | Time Warner Cable<br>308 North Fifth St.<br>West Memphis, AR 72301<br>Attn: Ricky Smith                         |
| The Honorable<br>Mayor McGhee<br>PO Box 249<br>Turrell, AR 72384  | <b>KARK-TV</b><br>PO Box 748<br>Little Rock, AR 72201  | East Arkansas Video Inc.<br>PO Box 1079<br>Forrest City, AR 72355<br>Attn: Harold Kinnel                        |
| City of Lepanto<br>City Hall<br>117 Greenwood<br>Lepanto, AR 72354  | <b>KATV</b><br>PO Box 77<br>Little Rock, AR 72203  | Independence County Cable TV, Inc.<br>PO Box 3799<br>Batesville, AR 72503<br>Attn: Gene Barnett                 |
| The Honorable<br>S.P. Schwarz, Mayor<br>PO Box 338<br>Weiner, AR 72479  | <b>WHBQ-TV</b><br>1999 S. Bundy Dr.<br>Los Angeles, CA 90025   | TCA Cable Partners<br>PO Box 598<br>Newport, AR 72112<br>Attn: Paul Eddington                                   |
| The Honorable<br>Donnie Faulkner, Mayor<br>202 East Street<br>Harrisburg, AR 72432                                  | <b>WKNO PO</b><br>Box 241888<br>Memphis, TN 38124  | Blytheville Cable Co.<br>PO Box 127<br>Blytheville, AR 72316<br>Attn: Tom Hill                                  |
| The Honorable<br>Jack Coggins, Mayor<br>PO Box 100<br>Trumann, AR 72472   | <b>WLMT</b><br>2701 Union Extened<br>Memphis, TN 38112   | Triax Cablevision<br>PO Box 218<br>Poplar Bluff, AR 63901<br>Attn: Steve Bell                                   |
| Tyronza City Hall<br>PO Box 275<br>Tyronza, AR 72386  | <b>WMC-TV</b><br>PO Box 4420<br>Memphis, TN 38174-6851   | Time Warner Entertainment Co., LP<br>6555 Quince Road<br>Suite 400<br>Memphis, TN 38119<br>Attn: Linda Bershere |
| The Honorable<br>Lawrence Ashlock, Mayor<br>Marked Tree Police Department<br>#1 Elm Street<br>Marked Tree, AR 72365 | <b>WPTY-TV</b><br>PO Box 659512<br>San Antonio, TX 78265-9512  | Millington CATV, Inc.<br>PO Box 319<br>5115 Easley St<br>Millington, TN 38083-0399<br>Attn: Holly Starnes       |
| The Honoable<br>Jim Johns, Mayor<br>PO Box 73<br>Bassett, AR 72313  | <b>WREG-TV</b><br>803 Channel 3 Dr.<br>Memphis, TN 38103   | Enstar Cable TV<br>13 East College<br>Brownville, TN<br>Attn: Dennis Ponder                                     |
| The Honoable<br>Jim Johns, Mayor<br>PO Box 73<br>Bassett, AR 72313  | <b>KTHV</b><br>PO Box 269<br>Little Rock, AR 72203   |   |
| Luxora City Hall<br>PO Box 250<br>Luxora, AR 72358  | <b>KFVS-TV</b><br>PO Box 100<br>Cape Girardeau, MO 63702-0100  |   |

|  |   |  |
|--|---|--|
| The Honorable<br>Dickie Kennemore, Mayor<br>PO Box 443<br>Osceola, AR 72370              | WMAV-TV<br>2825 Ridgewood Road<br>Jackson, MS 39211     |  |
| Melanie Back, City Clerk<br>City Hall<br>PO Box 216<br>Cardwell, AR 63829                | KETS<br>350 S. Donaghey St.<br>Conway, AR 72032         |  |
| Office of the Mayor<br>City of Parkin<br>PO Box 498<br>Parkin, AR 72373                  | KBSI<br>160 Clark St.<br>Carterville, IL 62918          |  |
| Mayor's Action Center<br>Mayor's Office<br>205 S. Redding<br>West Memphis, AR 72301      | KPOB-TV<br>Route 13<br>Carterville, IL 62918            |  |
| Office of the County Judge<br>Crittenden County<br>County Courthouse<br>Marion, AR 72364 | WBBJ-TV<br>PO Box 2387<br>Jackson, TN 38302             |  |
| Office of the County Judge<br>Crittenden County<br>County Courthouse<br>Marion, AR 72364 | WBUY<br>250 W Arrow Hwy<br>San Dimas, CA 91773          |  |
| Office of the Mayor<br>City of Earle<br>PO Box 213<br>Earle, Ar 72331                    | WFBI<br>3145 Barlett Corporate Dr.<br>Barlett, TN 38133 |  |
| Office of the Mayor<br>City of Marion<br>14 Military Road<br>Marion, AR 72364            | WPSD<br>100 Television Lane<br>Paducah, KY 42001        |  |
| The City of Wynne<br>Courthouse<br>Wynne, AR 72396                                       |   |  |
| Danny Ferguson<br>Forrest City City Hall<br>Forrest City, AR 72335                       |   |  |
| INCO Cable TV, Inc<br>PO Box 3799<br>Batesville, AR 72503<br>Attn: Gene Barnett          |   |  |
| Town of McCrory<br>City Hall<br>PO Box 897<br>McCrory, AR 72101                          |   |  |
| Mississippi County<br>Courthouse<br>Blytheville, AR 72315                                |   |  |
| The City of Blytheville<br>City Hall<br>Blytheville, AR 72315                            |   |  |
| The City of Dell<br>City Hall<br>Blytheville, AR 72426                                   |   |  |

|   |  |  |
|---|--|--|
| City of Senath<br>City Hall<br>Kennett, MO 63876  |  |  |
| City Of Gosnell<br>City Hall<br>307 S. Airbase Highway<br>Gosnell, AR 72315   |  |  |
| The Honorable<br>Bobby Flaherty, Mayor<br>City of Barlett<br>6400 Stage Road<br>Barlett, TN 38134                       |  |  |
| The Honorable<br>Jim Rout, Mayor<br>Shelby County Government Bldg.<br>160 N. Main St.<br>Suite 850<br>Memphis, TN 38103 |  |  |
| The Honorable Jimmy Burlison, Mayor<br>257 Sam Burlison Road<br>Burlison, TN 38015                                      |  |  |
| The Honorable Susie Smith, Mayor<br>1757 Garland Drive<br>Covington, TN 38019   |  |  |
| The Honorable DeWayne Huffman, Mayor<br>PO Box 123<br>Burlison, TN 38015  |  |  |
| The Honorable Richard Douglas, Mayor<br>110 South Washington<br>Ripley, TN 38063  |  |  |
| Mr. Rozelle Criner<br>County Executive County Courthouse<br>Ripley, TN 38063  |  |  |

**EXHIBIT 1**  
**The Named Communities**

**EXHIBIT A**  
**CABLE COMMUNITIES TO BE ADDED TO**  
**KVTJ(TV) TELEVISION MARKET**

| Community                                      | CUID # | County      | Signal Coverage | Cable Operator                                      |
|--|--------|-------------|-----------------|---|
| <i>Arkansas</i>                                |        |             |                 |   |
| Cherry Valley                                  | AR0654 | Cross       | City Grade      | Friendship Cable of Arkansas, Inc.                  |
| Hickory Ridge                                  | AR0297 | Cross       | City Grade      | Friendship Cable of Arkansas, Inc.                  |
| Parkin   | AR0263 | Cross       | City Grade      | Time Warner Cable                                   |
| Wynne  | AR0046 | Cross       | Grade A         | East Arkansas Video, Inc.                           |
| Cross County (served by Cherry Valley System)  |        | Cross       | City Grade      | Friendship Cable of Arkansas, Inc.                  |
| Caldwell                                       | AR0474 | St. Francis | Grade B         | Independence County Cable TV, Inc. /Curtis Cable TV |
| Forrest City                                   | AR0122 | St. Francis | Grade B         | East Arkansas Video, Inc.                           |
| Hughes   | AR0447 | St. Francis | Grade B         | Friendship Cable of Arkansas, Inc.                  |
| Madison  | AR0499 | St. Francis | Grade B         | Friendship Cable of Arkansas, Inc.                  |
| Colt   | AR0616 | St. Francis | Grade B         | Independence County Cable TV, Inc. /Curtis Cable TV |
| Counton  |        | St. Francis | Grade B         | Friendship Cable of Arkansas, Inc.                  |
| St. Francis County (served by Caldwell System) | AR0607 | St. Francis | Grade B         | Independence County Cable TV, Inc./Curtis Cable TV  |
| Widener (served by Madison System)             | AR0595 | St. Francis | Grade B         | Friendship Cable of Arkansas, Inc.                  |
| McCrory  | AR0096 | Woodruff    | On Grade B Line | TCA Cable Partners                                  |
| Crawfordsville                                 | AR0450 | Crittenden  | City Grade      | Friendship Cable of Arkansas, Inc.                  |
| Turrell  | AR0449 | Crittenden  | City Grade      | Friendship of Arkansas Inc.                         |
| West Memphis                                   | AR0148 | Crittenden  | Grade A         | Time Warner Cable                                   |
| West Memphis                                   | AR0076 | Crittenden  | Grade A         | West Memphis Cablevision Corp.                      |
| West Memphis                                   | AR0131 | Crittenden  | Grade B         | West Memphis Utility                                |

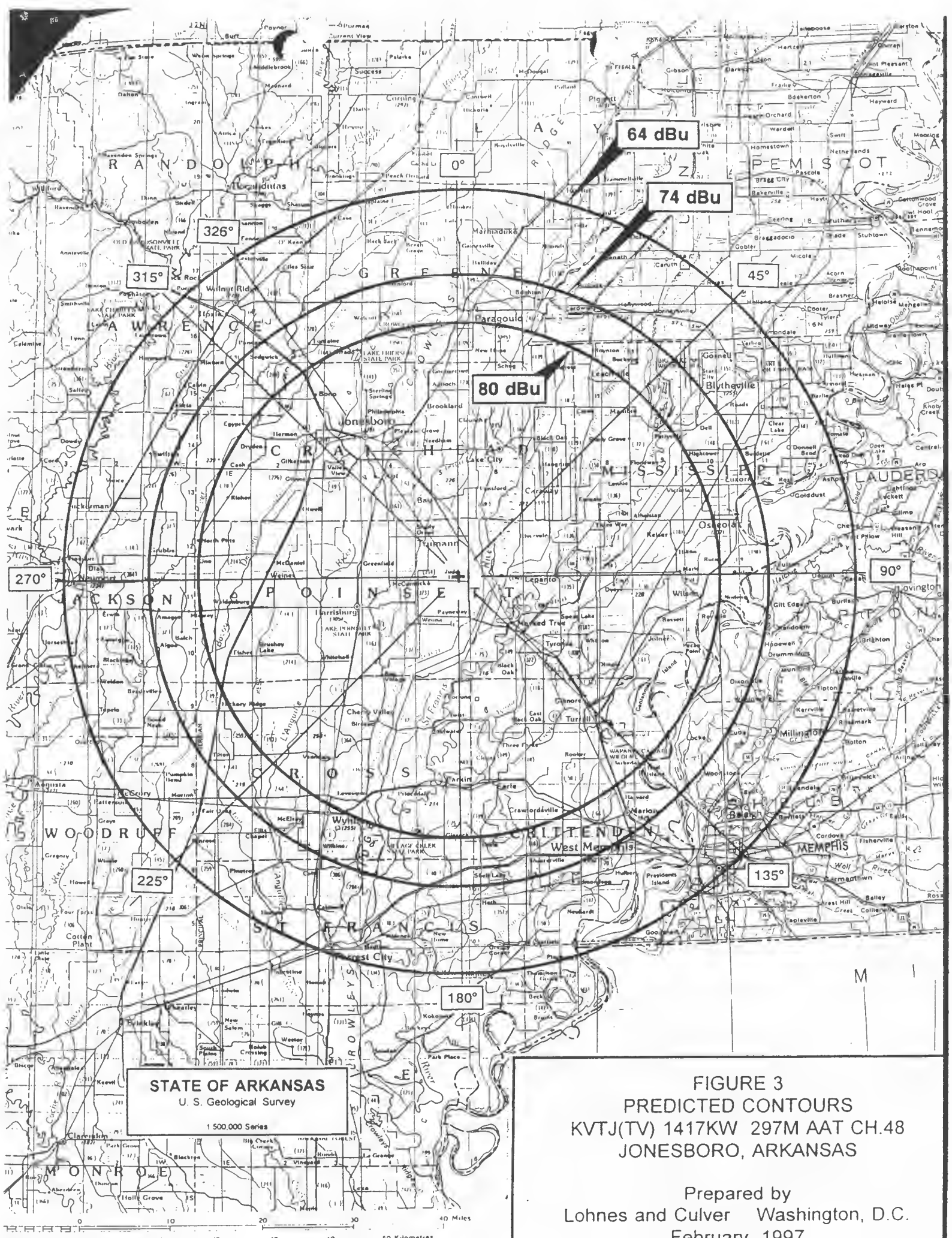


| Community   | CUID # | County      | Signal Coverage | Cable Operator                     |
|---|--------|-------------|-----------------|------------------------------------|
| Sunset  | AR0266 | Crittenden  | Grade A         | Time Warner Entertainment Co. LP.  |
| Crittenden  | AR0267 | Crittenden  | Grade B         | Time Warner Entertainment Co. LP.  |
| Crittenden County (served by Parkin System)       |        | Crittenden  | City Grade      | Time Warner Cable                  |
| Crittenden County (served by West Memphis System) |        | Crittenden  | Grade A         | Time Warner Cable                  |
| Earle   | AR0262 | Crittenden  | City Grade      | Time Warner Cable                  |
| Gilmore   |        | Crittenden  | City Grade      | Friendship Cable of Arkansas, Inc. |
| Gilmore   | AR0453 | Crittenden  | City Grade      | Arkavision                         |
| Marion  |        | Crittenden  | Grade A         | Time Warner Cable                  |
| Lake Poinsett                                     |        | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Lepanto   | AR0288 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Poinsett County (served by Harrisburg System)     | AR0612 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Weiner  | AR0171 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Fisher  | AR0222 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Waldenburg  | AR0223 | Poinsett    | City Grade      | Community Cable Corp.              |
| Harrisburg  | AR0224 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Truman  | AR0226 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Tyronza   | AR0346 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Marked Tree                                       | AR0264 | Poinsett    | City Grade      | Friendship Cable of Arkansas, Inc. |
| Basset  |        | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |
| Basset  | AR0452 | Mississippi | City Grade      | Arkavision                         |
| Keiser  | AR0211 | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |

| Community  | CUID # | County      | Signal Coverage | Cable Operator                     |
|--|--------|-------------|-----------------|------------------------------------|
| Leachville   | AR0287 | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |
| Luxora   | AR0210 | Mississippi | On Grade A Line | Friendship Cable of Arkansas, Inc. |
| Mississippi County<br>(served by Blytheville System) | AR0270 | Mississippi | Grade B         | Blytheville Cable Co.              |
| Mississippi County<br>(served by Manila System)      |        | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |
| Mississippi County<br>(served by Osceola System)     | AR0633 | Mississippi | Grade A         | Friendship Cable of Arkansas, Inc. |
| Blytheville  | AR0001 | Mississippi | Grade B         | Blytheville Cable Co.              |
| Dell   | AR0229 | Mississippi | Grade A         | Blytheville Cable Co.              |
| Dyess  | AR0438 | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |
| Gosnell  | AR0213 | Mississippi | Grade B         | Triax Cablevision                  |
| Joiner   | AR0448 | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |
| Manila   | AR0212 | Mississippi | City Grade      | Friendship Cable of Arkansas, Inc. |
| Manila   | AR0322 | Mississippi | City Grade      | Friendship Cable of Arkansas Inc   |
| Osceola  | AR0209 | Mississippi | Grade A         | Friendship Cable of Arkansas, Inc. |
| Eaker AFB  | AR0246 | Mississippi | Grade B         | Base Cablevision Inc               |
| Wilson   | AR0345 | Mississippi | City Grade      | Friendship Cable of Arkansas Inc.  |
| <b>Missouri</b>                                      |        |             |                 |                                    |
| Cardwell   | MO0524 | Dunklin     | Grade A         | Friendship Cable of Arkansas, Inc. |
| Arbyrd   | MO0425 | Dunklin     | On Grade A Line | Friendship Cable of Arkansas, Inc. |
| Hornersville   |        | Dunklin     | Grade B         | Base Cablevision                   |
| Pemiscot County<br>(served by Cardwell System)       |        | Dunklin     | Grade A         | Friendship Cable of Arkansas, Inc. |

| Community        | CUID # | County  | Signal Coverage | Cable Operator                    |
|------------------|--------|---------|-----------------|-----------------------------------|
| Senath           | MO0086 | Dunklin | Grade B         | Kennett Cablevision               |
| <i>Tennessee</i> |        |         |                 |                                   |
| Bartlett         | TN0339 | Shelby  | On Grade B Line | Time Warner Entertainment Co. LP. |
| Memphis          | TN0063 | Shelby  | Grade B         | Time Warner Entertainment Co. LP. |
| Millington       | TN0276 | Shelby  | Grade B         | Millington CATV Inc.              |
| Northaven        |        | Shelby  | Grade B         | Millington CATV Inc.              |
| Shelby County    | TN0384 | Shelby  | Grade B         | Time Warner Entertainment Co. LP. |
| Shelby           | TN0444 | Shelby  | Grade B         | Time Warner Entertainment Co. LP. |
| Atoka            | TN0382 | Tipton  | Grade B         | Millington CATV Inc.              |
| Burlison         | TN0370 | Tipton  | Grade B         | Enstar Cable TV                   |
| Drummonds        |        | Tipton  | Grade B         | Millington CATV Inc.              |
| Garland          | TN0371 | Tipton  | Grade B         | Enstar Cable TV                   |
| Gilt Edge        |        | Tipton  | Grade B         | Enstar Cable TV                   |
| Munford          | TN0381 | Tipton  | Grade B         | Millington CATV Inc.              |
| Tipton           | TN0383 | Tipton  | Grade B         | Millington CATV Inc.              |
| Tipton (SE)      | TN0634 | Tipton  | Grade B         | Time Warner Entertainment Co. LP. |

**EXHIBIT 2**  
**KVTJ(TV) Coverage Map**



**EXHIBIT 3**  
**List of Viewers Requesting “Victory Report”**

|                       |                         |                        |
|-----------------------|-------------------------|------------------------|
| Dennis Williams       | Jim and Linda Bradley   | Martha Stevens         |
| Alicia, AR 72410      | Bono, AR 72416          | Bono, AR 72416         |
| Rebecca Isbell        | Sarah Mooneyham         | Larry Berryman         |
| Brookland, AR 72417   | Burlison, TN 38015      | Byhalia, MS 38611      |
| Julie Brown           | T.J. Rooks              | Violet Laws            |
| Cave City, AR 72521   | Cherry Valley, AR 72324 | Forrest City, AR 72335 |
| John Gray             | Sandra Luss             | Joe langdon            |
| Harrisburg, AR 72432  | Harrisburg, AR 72432    | Hornersville, MO 63855 |
| Shirley Minor         | Melody Conatser         | Bobby Moore            |
| Joiner, AR 72350      | Jonesboro, AR 72041     | Jonesboro, AR 72401    |
| LaDawn Fuhr           | Lisa Collins            | Robert Redd            |
| Jonesboro, AR 72401   | Jonesboro, AR 72401     | Jonesboro, AR 72401    |
| Bill Synder           | David Brooks            | Diane Pierce           |
| Jonesboro, AR 72404   | Jonesboro, AR 72404     | Jonesboro, AR 72404    |
| Donna Peppers         | Bobby Bolick            | James Northern         |
| Jonesboro, AR 72404   | Keiser, AR 72351        | Lake City, AR 72437    |
| Mary Northern         | Peggy Lisk              | Frank Sweet            |
| Lake City, AR 72437   | Lake City, AR 72437     | Lechville, AR 72438    |
| Pastor Tom Mitchell   | Cookie Mohr             | Kenneth Thompson       |
| Little Rock, AR 72211 | Luxora, AR 72358        | Manila, AR 72442       |
| Chad Stoddard         | Teresa Tucker           | Patsy Ellinsburg       |
| Marked Tree           | Marked Tree, AR 72365   | Osceola, AR 72370      |

|                     |                      |                     |
|---------------------|----------------------|---------------------|
| Dennis Caldwell     | Janis Wallis         | John & Edna May     |
| Paragould, AR 72450 | Paragould, AR 72450  | Paragould, AR 72450 |
| John Thurman        | Mary Jackson         | Michael Cox         |
| Paragould, AR 72450 | Paragould, AR 72450  | Paragould, AR 72450 |
| Randall Hardin      | Randy Riggs          | Steve Spurlin       |
| Paragould, AR 72450 | Paragould, AR 72450  | Paragould, AR 72450 |
| Danny Hyde          | Mary Ellen Yarbrough | Windy Rivers Helm   |
| Paragould, AR 72950 | Paragould, AR 72450  | Ripley, TN 38063    |
| Delbert Melton      | Deborah Trowbridge   | Freddie Burcham     |
| Saffell, AR 72572   | Senath, Mo 63876     | Senath, MO 63876    |
| Christy Murphy      | J.W. Eada            | Louise Barnes       |
| Trumann, AR 72472   | Trumann, AR 72472    | Trumann, AR 72472   |
| Katie Moon          |                      |                     |
| Wilson, AR 72395    |                      |                     |



Lester Hammond

Paragould, AR 72450

Sandra Smith

State University, AR  
72467

Tommy Crites

Trumann, AR 72472

Susan Price

Paragould, AR 72450

Tamara Williams

State University, AR  
72467

Della Hartsell

Cord, AR 72524

Renee Mans

Powhatan, AR 72458

Kathy Spencer

Trumann, AR 72472

Lindell Chilton  
Arbyrd, MO 63821

Larry O'Daniel  
Memphis, TN 38127

Mary Wolfe  
Cherry Valley, AR 72324

Lester Hammond  
Paragould, AR 72450

Gwen Hooker  
Earle, AR 72331

Mary Northern  
Lake City, AR 72437

Rhonda Benton  
Lepanto, AR 72354

Clyde Jewell  
Dyess, AR 72300

|                         |                         |                         |
|-------------------------|-------------------------|-------------------------|
| Dorothy Walker          | Rev. Ron Walker         | Mildred Bell            |
| Memphis, TN 38103       | Memphis, TN 38103       | Memphis, TN 38126       |
| Larry O'Daniel          | Ron Harris              | Lindell Chilton         |
| Memphis, TN 38127       | Tunica, MS 38676        | Arbyrd, MO 63821        |
| Glenda Ouane            | Jean Payne              | Jack Brewer             |
| Cooter, MO 63839        | Rives, MO 63875         | Senath, MO 63876        |
| Donna Jenkins           | Charlotte Lassiter      | Kathy Glydewell         |
| Grandin, MO 63943       | Newport, AR 72112       | Newport, AR 72112       |
| Rebecca Kirk            | Clyde Jewell            | Mary Ellen Sparks       |
| Newport, AR 72112       | Dyess, AR 72300         | Bassett, AR 72313       |
| Tina Porter             | Mary Wolfe              | Paul Totty              |
| Blytheville, AR 72315   | Cherry Valley, AR 72324 | Cherry Valley, AR 72324 |
| Earline McFarland       | Gwen Hooker             | Rhonda Benton           |
| Cherry Valley, AR 72329 | Earle, AR 72331         | Lepanto, AR 72354       |
| Wilma Beckham           | Rosemary Reeves         | Clifford Toney          |
| Osceola, AR 72370       | Wynne, AR 72396         | Jonesboro, AR 72401     |
| Doyne Johnson           | Jimmy Durmon            | Joyce Holder            |
| Jonesboro, AR 72401     | Jonesboro, AR 72401     | Jonesboro, AR 72401     |
| Ruth Voshell            | Sharon Gabbert          | Susie Scott             |
| Jonesboro, AR 72401     | Jonesboro, AR 72401     | Jonesboro, AR 72401     |
| Walter Lane             | James Pierce            | Mary Shaw               |
| Jonesboro, AR 72401     | Jonesboro, AR 72404     | Brookland, AR 72417     |

**EXHIBIT4**  
**Declaration of James Grant**

### **Declaration of James Grant**

I, James Grant, the General Manager of television station KVTJ(TV), Jonesboro, Arkansas, declare under penalty of perjury that the facts contained in the foregoing "Petition For Special Relief" and the associated Exhibits are true and correct to the best of my knowledge and belief.

By: James R. Grant

Title: General Manager

Date: 9-8-98

# R&S Couriers, Inc.

72225

Serving the entire metropolitan area since 1982  
7768 Woodmont Avenue, Suite 201  
Bethesda, Maryland 20814 (301) 986-5500  
F.C.C. Shuttle

Client Reference: 65735-4

Date: 9/11/98

Description of Filing: Petition For Special  
Relief

Application ☐

Report ☐

Other ☒

F.C.C. Form Number \_\_\_\_\_

Number of Copies Orig + 2

F.C.C. Box Number 358205

Copy for Date Stamp yes

Facilities Specified KVTT(TV) Jonesboro, Arkansas

Name and Address of Filing Agent: GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900 EAST TOWER

WASHINGTON, D.C. 20005

Attn: H. Anthony Lehr

Filers Account Number 1352

Name of Applicant Agape Church, Inc.

## Certification of Pick Up

I Hereby certify that the F.C.C. Application/Report/Other described above was picked up by me  
on \_\_\_\_\_ day of \_\_\_\_\_ 199\_\_\_\_.

By:  Date: 9/11 Time: \_\_\_\_\_

## Certification of Delivery

I Hereby certify that the F.C.C. Application/Report/Other described above was filed and the accompanying fee  
tendered to the Mellon Bank in Pittsburgh, PA. on \_\_\_\_\_ day of \_\_\_\_\_ 1998.

By:  Date: 9/11 Time: 11